

REMARKS

This Amendment responds to the Office Action of January 31, 2005

Claims 91-133 are pending in this application. Prior claims 126-133 have been renumbered as claims 125-132 to correct the misnumbering of the claims, which inadvertently omitted claim 125. A new claim 133 has been added. Claims 91, 99 and 125-130 are independent. Claims 91-99 and 130 have been amended. Favorable reconsideration is requested.

In the Office Action, claim 133 (now renumbered as claim 132) was rejected under 35 U.S.C. § 112, second paragraph. Claims 99-133 (now renumbered as claims 99-132) were rejected under 35 U.S.C. § 101. Claims 91-92 and 97 were rejected under 35 U.S.C. § 103(a) as being obvious over Silverman et al. (U.S. Patent No. 5,136,501). Claims 93-96 and 98 were rejected under 35 U.S.C. § 103(a) as being obvious over Silverman in view of Dinwoodie (U.S. Patent No. 6,415,269). Claims 99-119, 121-124, and 126-130 (now renumbered as claims 125-129) were rejected under 35 U.S.C. § 103(a) as being obvious over Minton (U.S. Patent No. 6,014,643) in view of Fraser et al. (U.S. Patent No. 5,904,974). Claims 120 and 131-133 (now renumbered as claims 130-132) were rejected under 35 U.S.C. § 103(a) as being obvious over Silverman, in view of Dinwoodie, and in further view of Kane (U.S. Patent No. 6,317,728). These bases for rejection are addressed below.

Financial markets are fluid. Traders compete with many other traders in the market to execute trades at prices and quantities that they believe will maximize profit. Ask and bid prices and quantities of securities change rapidly and continuously. The more time a trader takes to make a trading decision and enter an order, the more likely that the price and/or quantity on which the trader wanted to bid or offer will change.

Prior art computer-based systems for trading securities contain user interfaces that are inefficient because they require traders to open different windows to obtain market information that traders want to have to be able to make trading decisions, monitor positions, and enter trade orders. During the time that the user has to open additional windows to obtain market information, monitor positions, and enter trade orders, the market price changes before the trader can enter the order, which causes the trader to miss his or her desired price. Missing desired trading prices due to inefficient trading interfaces can result in traders losing hundreds, thousands, and even millions of dollars.

If traders want to be able to use multiple pieces of information that are only available on different screens to be able to make a trading decision, prior art systems require the trader to remember information obtained from previous screens as new screens are opened. In addition to the problems that can result from the time delay in having to open additional screens, the trader also can make errors in executing trades, when under the intense pressure of a rapidly moving market, the trader inaccurately remembers information obtained from previous screens.

Claims 91-133 are directed to aspects of the present invention related to overcoming the deficiencies of the prior art systems and presenting information in a manner that enables a trader to trade more quickly, efficiently, and accurately. In particular, presenting information using an ergonomic graphical user interface according to the present invention enables faster access to critical information, faster execution of primary trading functions, better decisionmaking in the trading process, fewer undetected errors, easier correction of detected errors, faster and more reliable problem resolution and provides other advantages over the cited prior art.

Applicants have carefully reviewed the prior art cited in the Office Action, but have found nothing in any of the references, either alone, or in combination, that would render claims 99-133 obvious.

Rejection Of Claims 99-133 Under 35 U.S.C. § 101

The Office Action rejected claims 99-133 (renumbered as claims 99-132) under 35 U.S.C. § 101, as directed to non-statutory subject matter because the claims “fail to recite that a computer program is embodied on a tangible computer readable medium.” (Office Action at 2-8.)

Applicants have amended claims 99 and 130, without prejudice, to recite that the computer program recited in claims 99-132 is embodied in a computer readable medium. The specification supports the amendments. (*See, e.g.*, Specification p. 13, l. 22 - p. 14, l. 14.) These amendments are believed to overcome the Section 101 rejection.

Rejection Of Claim 133 Under 35 U.S.C. § 112

The Office Action rejected claim 133 (renumbered as claim 132) under 35 U.S.C. § 112, second paragraph, as being indefinite. (Office Action at 2.) Specifically, the Office Action states that the phrase “user-to-user trading” recited in claim 132 is unclear. Applicants respectfully disagree and traverse the rejection.

The second paragraph of 35 U.S.C. § 112 provides that: “[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.” In order to comply with the definiteness requirement of the second paragraph of 35 U.S.C. § 112. The test for definiteness is whether “those skilled in the art would understand what is claimed when the claim is read in light of the specification.” *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576 (Fed. Cir. 1986).

Here, those skilled in the art would plainly be able to ascertain the meaning of understand the meaning of user-to-user trading when claim 133 is read in light of the specification. As used in the specification, user-to-user trading is trading in which users of a trading system are permitted to trade with each other after hours, for example, without involving an exchange. (*See, e.g.*, Specification, p. 3, l. 5-9, p. 4, l. 19-23.) Applicants respectfully request that the rejection of claim 133 (now renumbered as claim 132) under the second paragraph of 35 U.S.C. § 112 be withdrawn.

**Rejection Of Claims 99-119, 121-124, and 126-130 (renumbered as 125-129)
Under 35 U.S.C. § 103(a) Based On Minton (U.S. Patent No. 6,014,643) In
View Of Fraser et al. (U.S. Patent No. 5,904,974)**

Amended claim 99 recites (emphasis added):

A computer program embodied in a computer readable medium for providing a graphical user interface which facilitates security trading by a user by providing a single-screen simultaneous display of non-overlapping screen components comprising: (a) a display of the user's current positions in at least one security, (b) a display of an open order list of the user, (c) a display of a trade ticket, and (d) a display of offers to buy and offers to sell at least one security.

As understood by Applicants, Minton is directed to a system which allows individuals to trade stocks electronically, directly with other individuals who are not brokers, specialists, or market makers. (Minton, Col. 1, l. 9-10.) The trading screen of the system in Minton, shown in Fig. 4 of Minton, displays information in a single window that includes offers to buy 425, offers to sell 432, time and sales data 433, a time and sales graph 434, and other buttons that allow the display of other information in different windows, such as screens where users can enter buy and sell orders and receive research or news information about a stock of interest. (*See generally* Minton, Col. 8, l. 29 – Col. 12, l. 53.) For example, activating button 404 displays pricing screen 500 of Fig. 5 of Minton; activating button 418 displays buy screen 600 of Fig. 6; and activating button 424 displays sell screen 700 of Fig. 7. Thus, the user of the system in Minton is unable to view simultaneously the information in the screens depicted in Figs. 4, 5, 6, and 7.

There is other information relevant to making trade decisions that user of the system in Minton can obtain only by opening multiple windows. The user of the system

in Minton faces the disadvantage of having to store certain information obtained from a particular window and then toggling back and forth between multiple windows, keep information from previously viewed windows in short term memory in order to make informed trading decisions. As a result, the user of the system of Minton trades with lower efficiency, slower speed (due to the time spent toggling back and forth between windows), and less accuracy (due to having to commit information to short-term memory under stressful conditions in a rapidly moving market).

As understood by Applicants, Fraser et al. is directed to a system for implementing transaction management of auction-based trading for specialized items such as fixed income instruments. (Fraser et al., Abstract.) To properly track trading activity, “a trade generates a (virtual and/or real) single trade ticket – with [an] associated, and screen-displayed, reference number.” (Fraser et al., Col. 7, l. 20-23.)

Individually and in combination, Minton and Fraser et al. do not disclose, teach, or suggest a computer program for providing a graphical user interface which facilitates security trading by a user by providing a single-screen simultaneous display of non-overlapping screen components comprising: (a) a display of the user’s current position in at least one security, (b) a display of an open order list of the user, (c) a display of a trade ticket, (d) a display of offers to buy and offers to sell at least one security as recited in claim 99. For example, the prior art does not disclose, teach, or suggest a single-screen simultaneous display of non-overlapping screen components that includes the user’s

current position, a trade ticket, or an open order list with the other element recited in Claim 99.

The Office Action concedes that Minton does not teach or suggest a single-screen simultaneous display of a trade ticket with the other elements recited in claim 99. That Fraser et al. references using trade tickets (as referenced in the Office Action) does not, standing alone, remedy the above-noted deficiencies of Minton. Neither Minton or Fraser et al. teach or suggest a single-screen simultaneous display of a trade ticket with the other elements recited in claim 99.

The Office Action cites col. 7, l. 33-45 of Minton as evidence that Minton provides a single-screen simultaneous display of a user's open order list with the other elements recited in claim 99. (Office Action at 11.) That portion of Minton describes the ability of users of the system of Minton to view each other's buy and sell orders, but it does not teach or suggest a single-screen simultaneous display of a user's open order list with the other elements recited in claim 99. (*See, e.g.*, Minton, Fig. 4 (no open order list is displayed in Fig. 4).)

The Office Action cites Col. 8, l. 60-62 of Minton, which refers to Fig. 4 of Minton, as evidence that Minton provides a single-screen simultaneous display of the user's current position with the other elements recited in claim 99. (Office Action at 11.) Fig. 4 does not display the user's current position. It displays a reports button 410, which the user of the system of Minton can activate to display reports of a user's positions, among other things, in a separate display.

Individually and in combination, Minton and Fraser et al. do not do not disclose, teach, or suggest a graphical display of bid, ask, and spread information as recited in claims 101, 102, 106, 107, 111, 112, 116, 117, 121, and 122. They also do not disclose, teach, or suggest that screen components are windows that can be individually removed and reinstated within the single-screen simultaneous display as recited in claims and that the size of the windows can be changed individually within the single-screen simultaneous display as recited in claims 103, 104, 108, 109, 113, 114, 119, 120, 123, and 124.

With regard to claims 101 and 105, the Office Action states that bid, ask, and spread information are displayed in Fig. 4 of Minton, but fails to identify any particular location in Fig. 4 where such information is displayed graphically. Minton does not teach or suggest a single-screen simultaneous display of offers to buy and offers to sell with the other elements recited in claim 99, wherein the display of offers to buy and sell includes a graphical display of bid, ask, and spread information.

To state that claims 102-104 recite additional limitations directed to functions that were known, such as window resizing, visual accentuation by color, does not render claims 102-104 obvious. (Office Action at 11-12.) These claims are patentably distinct from the prior art of record for at least the same reasons as claim 99.

With regard to claim 106, Minton does not teach or suggest a single-screen simultaneous display of a watch list with the other elements recited in claim 99. Element 412 of Fig. 4 of Minton represents a stock watch button that allows a user to activate a

separate screen in which a user of the system of Minton can display a separate window in which the user can personalize ticker tape 440 so that only stocks of interest to the user will be displayed. (Minton, Col. 8, l. 63-67.) Similarly, with regard to claim 110, what the Office Action characterizes as a display of news at fig. 4, element 438, is a button for activating a news display in another screen; it does not activate the news display within the same screen. (Minton, Col. 9, l. 12-17.)

Claim 115, which depends on claim 99, is patentably distinct from the prior art of record for at least the same reasons as claim 99. The Office Action concedes that Minton does not teach or suggest prefilling at least some information in the trade ticket as recited in claim 115, but takes official notice that it was allegedly old and well known to prefill information in display screen fields. Applicants respectfully submit that if it was so well known to prefill information in a trade ticket, it would have been disclosed in the many prior art references of record. As admitted in the Office Action, it is not disclosed in those references. Thus, pursuant to MPEP § 2144.04, Applicants respectfully traverse the Office Action's taking of Official Notice and respectfully request that the Office Action's allegations of Official Notice be withdrawn or that the alleged facts for which Official Notice has been taken be more specifically identified and documentary evidence be provided to support those alleged facts for which Official Notice has been taken.

Even if the alleged facts for which the Office Action has taken Official Notice could be more specifically identified and it could be established that it was known to prefill information in display screen fields, the Office Action has failed to cite any

suggestion or motivation in Minton or any of the other references of record to use the feature of prefilling information in display screens with the program recited in claim 115.

Rejection Of Claims 120 and 131-133 (renumbered as 130-132) Under 35 U.S.C. § 103(a) Based On Minton In View Of Dinwoodie In Further View Of Kane U.S. Patent No. 6,317,728

For the reasons described above, claims 120 and 131-133, which depend on claim 99, are patentably distinct for at least the same reasons described above with regard to claim 99. The Office Action admits that Minton does not teach or suggest displaying the user's balance and profit and loss as recited in claim 120. and relies upon Kane to provide the missing teaching. But Kane does not teach or suggest displaying a user's profit and loss with the other elements recited in claim 120. The Office Action also fails to identify any suggestion or motivation in the prior art to add that feature with the additional elements recited in claim 120. Similarly, individually and in combination, the cited prior art also does not teach or suggest the elements recited in claims 130-132.

Rejection Of Claims 91-92, and 97 Under 35 U.S.C. § 103(a) Based On Silverman et al. (U.S. Patent No. 5,136,501)

Amended Claim 91 (emphasis added) recites:

Computer executable instructions residing on a computer readable medium for causing a computing device of a user to display a graphical user interface, the interface comprising:

a single-screen simultaneous display of non-overlapping screen components comprising: (a) a display of the user's current positions in at least one financial instrument, (b) a display of an open order list of the user, (c) a display of one or more areas to enter trades, and (d) a display of offers to buy and offers to sell at least one financial instrument, wherein

the display of offers to buy and sell at least one financial instrument comprises:

a first display area of sizes for a plurality of buy orders for a financial instrument selected by the user;

a second display area of sizes for a plurality of sell orders for the ~~security~~ financial instrument; and

a third display area showing a single list of price levels that correspond to prices for the buy orders in the first display area and the sell orders in the second display area.

As understood by Applicants, Silverman et al. is directed to a matching system for effectuating trades of trading instruments in which bids are automatically matched against offers for given trading instruments for automatically providing matching transactions in order to complete trades for the given trading instruments. (Silverman et al., Abstract; Col. 3, l. 16 – Col. 5, l. 35.) The system of Silverman et al. includes a central system 20 or host computer that essentially maintains a book of bids and offers in the central system 20. (Silverman et al., Col. 6, l. 21 – Col. 8, l. 30, particularly Col. 6, l. 60 – Col. 7, l. 2.) A user or keystation site interacts with the book by submitting bid, offer, and other transactions. (*Id.*)

Figs. 4 is an illustration of a typical book of bids and offers at the central system, and Fig. 5 is an illustration of a typical book of bids and offers at a typical keystation. (Silverman, et al., Col. 9, l. 46 – Col. 10, l. 53, particularly Col. 9, l. 44-52.) The books of Figs. 4 and 5 are both divided into a bid side and an offer side. Each box in the diagrams represents an entry into the market on the side where the box appears. (*Id.*, Col. 9, l. 52- Col. 10, l. 4.) The value in the upper left hand corner of each box represents the price of

the trading instrument and the value in the lower right hand of the corner represents the primary quantity of the trading instrument.

Like the other references discussed above, Silverman et al. does not teach or suggest the combination of “a single-screen simultaneous display of non-overlapping screen components comprising: (a) a display of the user’s current positions in at least one financial instrument, (b) a display of an open order list of the user, (c) a display of one or more areas to enter trades, and (d) a display of offers to buy and offers to sell at least one financial instrument” with the display of offers to buy and sell at least one financial instrument recited in Claim 91. For at least the same reasons, new Claim 133 also distinguishes over the prior art. New claim 133 also recites that the selection of one of the areas to enter trades by the user with an action that comprises one or more clicks of a user input device for the computing device which causes the graphical user interface automatically to set a plurality of trade parameters, the trade parameters are displayed in the single-screen simultaneous display of non-overlapping screen components and can be modified to enable the user to place a trade order.. Those features also distinguish new Claim 133 from the prior art of record.

Claim 97 recites:

Computer executable instructions residing on a computer readable medium for causing a user workstation to display the graphical user interface of Claim 91, further comprising at least one additional display comprising three display areas of 1) sizes of buy orders, 2) sizes of sell orders, and 3) price levels corresponding to sizes of buy orders and sell orders corresponding to each additional financial instrument that the user selects for display in the graphical user interface.

Silverman does not teach or suggest a third display area showing a single list of price levels that correspond to prices for the buy orders in the first display area and the sell orders in the second display area as recited in claim 91, and it also does not teach or suggest having at least one additional display comprising three display areas of 1) sizes of buy orders, 2) sizes of sell orders, and 3) price levels corresponding to sizes of buy orders and sell orders corresponding to each additional financial instrument that the user selects for display in the graphical user interface.

The Office Action concedes that Silverman does not teach or suggest the additional limitation of claim 97. The Office Action instead states that “Official Notice is taken that it was old and well known at the time of the invention to display information on a plurality of securities in a trading interface” and that “it would have been obvious to modify Silverman to display information on additional securities because this would provide more opportunities for profitability in markets.” (Office Action at 9-10.)

First, the Office Action’s taking Official Notice that it was old and well known to “display information on a plurality of securities in a trading interface” does not establish that it was old and well known to have at least one additional display comprising three display areas of 1) sizes of buy orders, 2) sizes of sell orders, and 3) price levels corresponding to sizes of buy orders and sell orders corresponding to each additional security that the user selects for display in the graphical user interface as recited in Claim 97. To the extent that the Office Action is taking Official Notice that it was well known to have at least one additional display comprising three display areas of 1) sizes of buy

orders, 2) sizes of sell orders, and 3) price levels corresponding to sizes of buy orders and sell orders corresponding to each additional security that the user selects for display in the graphical user interface as recited in Claim 97, Applicants respectfully traverse the Office Action's taking of Official Notice for the same reasons they have traversed the taking of Official Notice with regard to Claim 91 and respectfully request that the Office Action's allegations of Official Notice be withdrawn or that documentary evidence be provided to support the alleged facts for which Official Notice has been taken.

Rejection Of Claims 93-96 and 98 Under 35 U.S.C. § 103(a)
Based On Silverman et al. and Dinwoodie (U.S. Patent No. 6,415,269)

Claims 93-96 are directed to having markings, such as highlights, be used in the first display area and third display area recited in claim 91 to distinguish current bid and ask size and price from other bid and ask sizes and prices. Claim 98 is directed to having markings be used in the first display area and third display area of each additional display recited in Claim 97 to distinguish current bid and ask size and price from other bid and ask sizes and prices.

As noted above, Silverman et al does not teach or suggest using a single list of price levels that correspond to prices for buy orders and sell orders as recited in Claim 91. Thus, Silverman et al. does not teach or suggest having markings, such as highlights, be used in the first display area and third display area recited in claim 91 to distinguish current bid and ask size and price from other bid and ask sizes and prices as recited in claims 93-96.

As noted above, Silverman et al. also does not teach or suggest having at least one additional display comprising three display areas of 1) sizes of buy orders, 2) sizes of sell orders, and 3) price levels corresponding to sizes of buy orders and sell orders corresponding to each additional security that the user selects for display in the graphical user interface. Thus, it also does not teach or suggest having markings be used in the first display area and third display area of each additional display recited in Claim 97 to distinguish current bid and ask size and price from other bid and ask sizes and prices.

Dinwoodie does not remedy the above-noted deficiencies of Silverman et al. As understood by Applicants, Dinwoodie is directed to an interactive remote bidding system for conducting an auction among participants located at remote locations. (*See, e.g.,* Dinwoodie, Abstract.) In the system of Dinwoodie, the auctioneer may provide a warning that a current bid is about to be accepted as the winning bid by flashing the bid or changing the color of the bid amount. (*Id.*, col. 6, l. 19-23.)

Silverman et al. and Dinwoodie, alone or in combination, do not teach or suggest having markings, such as highlights, be used in the first display area and third display area recited in claim 91 to distinguish current bid and ask size and price from other bid and ask sizes and prices or having markings be used in the first display area and third display area of each additional display recited in claim 97 to distinguish current bid and ask size and price from other bid and ask sizes and prices as recited in claim 98.

Gutterman, et al. (U.S. Patent No. 5,297,031)

Applicants have filed an Information Disclosure Statement to disclose a reference that has come to Applicants' attention: Gutterman, et al. (U.S. Patent No. 5,297,031). Applicants direct the Examiner's attention to Fig. 2a of Gutterman, et al. Even when Gutterman, et al. is considered, the pending claims are still patentably distinct.

Gutterman, et al. does not teach or suggest the combination of "a single-screen simultaneous display of non-overlapping screen components comprising: (a) a display of the user's current positions in at least one financial instrument, (b) a display of an open order list of the user, (c) a display of one or more areas to enter trades, and (d) a display of offers to buy and offers to sell at least one financial instrument" with the display of offers to buy and sell at least one financial instrument recited in Claim 91. It also does not teach or suggest the additional limitations of dependent claims 92-98.

Applicants have found nothing in the other prior art of record that would remedy the above-noted deficiencies of the prior art against Claims 99-133.

Conclusion

In light of the foregoing amendments and remarks, Applicants respectfully submit that Claims 91-133 are patentably distinct over the prior art of record, that the application is in proper form for allowance of all claims, and earnestly solicit a notice to that effect.

Respectfully submitted,

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